

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,)
)
Plaintiff(s),)
v.)
SEOUL SEMICONDUCTOR LTD, et)
al.,)
)
Defendant(s).)
_____)

No. C06-0162 MMC (BZ)

**SETTLEMENT CONFERENCE
ORDER - PATENT CASE**

The above matter was referred to me for settlement purposes.

On **May 31, 2007**, I conducted a telephonic hearing at which both sides were represented by counsel. With the consent of the parties and good cause appearing, **IT IS HEREBY ORDERED** that no later than **July 2, 2007**, plaintiff Nichia Corporation's representatives **Norio Ozawa**, General Manager, of the Business Planning Department and **Katsuyuki Akutagawa**, Vice President, of the Legal and IP Department and defendant Seoul Semiconductor's representatives **Sang Min Lee**, Head of Seoul Semiconductor Co.,

1 R&D Center and **Dae Hyun Chang**, Seoul Semiconductor Company's,
2 General Manager of Legal Affairs Team shall meet in person,
3 preferably outside the presence of counsel, to discuss a
4 resolution of this dispute. They shall meet in any place to
5 which they all agree. If they cannot agree, they shall meet in
6 Seoul, Korea. The principals are urged to explore a creative,
7 business resolution of their dispute. If the case settles, the
8 parties are to notify the Court immediately.

9 Each party shall provide the other informally,
10 expeditiously and pursuant to Federal Rule of Evidence 408 with
11 all information reasonably needed to further the progress of
12 the settlement negotiations. Confidential information may be
13 provided subject to a protective order.

14 If there is no settlement, it is **ORDERED** that a telephonic
15 conference is scheduled for **July 9, 2007 at 2:30 p.m.** to
16 discuss the status of the negotiations. Counsel for plaintiff
17 shall get counsel for defendant on the line and call chambers
18 at **415-522-4093**. The principals need not participate.

19 It is further **ORDERED** that a Settlement Conference is
20 scheduled for **Thursday, August 30, 2007 at 9:00 a.m.** in
21 Courtroom G, 15th Floor, Federal Building, 450 Golden Gate
22 Avenue, San Francisco, California 94102. Counsel who will try
23 the case shall appear at the Settlement Conference with the
24 party principals who met earlier. The negotiations will be
25 principally among the party principals in my presence.

26 Each party shall prepare a Settlement Conference
27 Statement, which must be served on opposing counsel and lodged
28 (not faxed) with my chambers no later than seven calendar days

1 prior to the conference. The Statement shall **not** be filed with
2 the Clerk of the Court. The Statement **may** be submitted on CD-
3 ROM with hypertext links to exhibits. Otherwise, the portion
4 of exhibits on which the party relies **shall** be highlighted.
5 The Settlement Conference Statement shall not exceed ten pages
6 of text and twenty pages of exhibits and shall include the
7 following:

8 1. A brief statement of the facts of the case.

9 2. A brief statement of the claims and defenses
10 including, but not limited to, statutory or other grounds upon
11 which the claims are founded.

12 3. A summary of any related litigation.

13 4. A summary of the proceedings to date and any pending
14 motions.

15 5. An estimate of the cost and time to be expended for
16 further discovery, pretrial and trial.

17 6. The relief sought, including an itemization of
18 damages.

19 7. The parties' position on settlement, including
20 present demands and offers and a history of past settlement
21 discussions. The Court's time can best be used to assist the
22 parties in completing their negotiations, not in starting them.
23 So there is no confusion about the parties' settlement
24 position, plaintiff must serve a demand in writing no later
25 than fourteen days before the conference and defendant must
26 respond in writing no later than eight days before the
27 conference. The parties are urged to carefully evaluate their
28 case before taking a settlement position since extreme

1 positions hinder the settlement process.

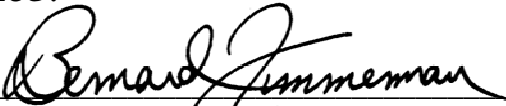
2 Along with the Statement each party shall lodge with the
3 court a document of no more than three pages containing a
4 **candid** evaluation of the parties' likelihood of prevailing on
5 the claims and defenses, and any other information that party
6 wishes not to share with opposing counsel. The more candid the
7 parties are, the more productive the conference will be. This
8 document shall not be served on opposing counsel.

9 It is not unusual for conferences to last three or more
10 hours. Parties are encouraged to participate and frankly
11 discuss their case. Statements they make during the conference
12 will not be admissible at trial in the event the case does not
13 settle. The parties should be prepared to discuss such issues
14 as:

- 15 1. Their settlement objectives.
- 16 2. Any impediments to settlement they perceive.
- 17 3. Whether they have enough information to discuss
18 settlement. If not, what additional information is needed.
- 19 4. The possibility of a creative resolution of the
20 dispute.

21 The parties shall notify chambers immediately if this case
22 settles prior to the date set for settlement conference.
23 Counsel shall provide a copy of this order to each party who
24 will participate in the conference.

25 Dated: June 19, 2007


Bernard Zimmerman
United States Magistrate Judge

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